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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Jean-Claude HEITZLER, Christian MULLER and
Serial no. : Jean-Louis DUPIN
Filed : 10/583,912
For : with an effective filing date of December 22, 2004
Group Art Unit : HEAT EXCHANGER
Examiner : 3744
Docket : Ljiljana V. CIRIC
NITROF P66AUS

The Commissioner for Patents
U.S. Patent & Trademark Office
P. O. Box 1450
Alexandria, VA 22313-1450

RESPONSE

Dear Sir:

This response is being filed in reply to the official action mailed August 17, 2010. In that action, the Examiner requires an election of species, under 35 U.S.C. § 121, between one of the following alleged patentably distinct species of the invention:

- I. Figures 1A, 1B, 1C, 1D, 1E, 1F, 1G, 1H, 1I and 1J;
- II. Figures 2A, 2B, 2C and 2D;
- III. Figures 3A, 3B, 3C, 3D and 3E;
- IV. Figures 4A, 4B, 4C and 4D;
- V. Figures 5A and 5B;
- VI. Figures 6A and 6B;
- VII. Figures 7A and 7B;
- VIII. Figures 8A and 8B;
- IX. Figures 9A and 9B;
- X. Figure 10; or
- XI. Figures 11A, 11B and 11C.

Reconsideration of this requirement for election of species is respectfully requested in view of the following remarks.

The Applicant believes that the present invention contains various embodiments of a single inventive concept. All eleven species contain the features presently recited in claim 17 which is currently generic to all of the species. Moreover, the Applicant believes that claim 17 is allowable and consequently all species of the invention should be prosecuted in one and the same application for efficiency reasons. It is respectfully submitted that all of the species of the invention represent similar ways of obtaining the same desired results disclosed within this application.

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Notwithstanding the above, in order to fulfill the Examiner's request, the Applicant provisionally elects, with traverse, to prosecute the species of the claimed invention shown in Species I, namely, Figures 1A, 1B, 1C, 1D, 1E, 1F, 1G, 1H, 1I and 1J of the drawings. The Applicant also provisionally elects, with traverse, claims 17-32 which are readable on the elected species to be prosecuted on the merits.

The Applicant does not waive any rights with respect to the non-elected species and does not intend to abandon that subject matter. If the Examiner makes the election requirement final, the Applicant respectfully requests that the non-elected species be withdrawn from further consideration but remain in this application subject to reinstatement, in the event that a generic claim is allowed, or for possible filing of a divisional application(s).

In view of the foregoing, it is respectfully submitted that the outstanding election of species requirement should be withdrawn and examination of all claims pending in this application, on the merits, is respectfully requested at the present time.

In the event that there are any fee deficiencies or additional fees are payable, please charge the same or credit any overpayment to our Deposit Account (Account No. 04-0213).

Respectfully submitted,


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